

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

**WAYNE COX and KATHY COX,
Individually and on behalf of a class
of persons,**

Plaintiffs,

v.

**CIVIL ACTION NO. 5:17-cv-01982
HON. IRENE C. BERGER, JUDGE**

**BRANCH BANKING AND
TRUST COMPANY,**

Defendant.

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

**LATRICIA E. GOODWIN, individually
and on behalf of a class of persons**

Plaintiff,

v.

**CIVIL ACTION NO.: 5:16-cv-10501
HON. IRENE C. BERGER, JUDGE**

**BRANCH BANKING AND TRUST
COMPANY,**

Defendant.

**Motion for Final Approval of Settlement,
Attorneys' Fees and Costs, and Service Award**

Plaintiffs Wayne Cox, Kathy Cox, and Latricia Goodwin ("Plaintiffs"), by counsel,
respectfully move this Court for final approval of the settlement reached by the Plaintiffs and
Defendant in these cases, for an award of attorneys' fees and costs, awarding the Settlement

Administrator his fees and costs, and for service awards as preliminarily approved by this Court on November 21, 2018. (ECF No. 45.) Specifically, Plaintiffs respectfully request that the Court enter an Order:

(1) Pursuant to Fed. R. Civ. P. 23(e), granting final approval in all respects of the terms and provisions of the Class Action Settlement Agreement (“Settlement Agreement”), which the Court preliminarily approved by Orders entered on August 20, 2018 (ECF No. 37) and November 21, 2018 (ECF No. 45);

(2) Awarding Plaintiffs, as Class Representatives, service awards in the amount of \$5,000.00 each in recognition of their service to the class;

(3) Awarding Class counsel, Hamilton Burgess Young & Pollard, and Bailey & Glasser LLP, a fee of \$287,118.33, exclusive of litigation expenses, which sum represents one-third of the cash amount of the settlement;

(4) Awarding Class counsel, Hamilton Burgess Young & Pollard, and Bailey & Glasser LLP, litigation expenses in the amount of \$18,206.70;

(5) Awarding Settlement Administrator David Epperly costs and fees in an amount to be presented via declaration and evidence at the Final Approval Hearing;

(6) Dismissing on the merits and with prejudice all Class claims of the Plaintiffs and the Class Members in this action as to the Defendant; and

(7) Retaining jurisdiction over this action for the purpose of interpretation and enforcement of the Class Action Settlement Agreement, including oversight of settlement administration and distribution of settlement funds.

WHEREFORE, Plaintiffs request that this Court grant this motion and enter a final order pursuant to the terms set forth above.

Respectfully Submitted,

s/ Jonathan R. Marshall

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- and -

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Defendant.

Certificate of Service

I hereby certify that on this 4th day of January 2019, the foregoing **Motion for Final Approval of Settlement, Attorneys' Fees and Costs, and Service Award** was served on counsel of record through the CM/ECF system, which will notify the following CM/ECF participants:

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